

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Brian Conner**

**Docket No. 4:04-CR-27-2FL**

**Petition for Action on Supervised Release**

COMES NOW Jay Kellum, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Brian Conner, who, upon a finding of guilt by jury to 339 counts of Health Care Fraud and Aiding and Abetting, in violation of 18 U.S.C. §§ 1347 and 2; one count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 371; and two counts of Obstruction of a Criminal Investigation of Health Care Offenses and Aiding and Abetting, in violation of 18 U.S.C. § 1518 and 2, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on May 3, 2006, to the custody of the Bureau of Prisons for a term of 151 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Brian Conner was released from custody on July 6, 2016, at which time the term of supervised release commenced.

On February 1, 2017, a violation report was submitted to the Court advising that the defendant had made no payments towards his monetary obligation and was \$2,500 in arrears. At that time, the probation officer recommended, and the Court agreed, to allow supervision to continue.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

At sentencing, the Court ordered that the payment of restitution (\$604,342.48), fine (\$175,000), and special assessment (\$34,600) shall be due and payable in full immediately. However, if the defendant is unable to pay in full immediately, the monetary obligations are to be paid through installments of \$500 per month to begin 60 days after the defendant's release from prison. On July 8, 2016, the defendant signed a payment agreement whereby monthly payments of \$500 would begin on September 1, 2016. Since the defendant's release, he has been experiencing seizures, and recently underwent surgery and has been unable to make monthly payments. He is currently in the process of applying for Social Security disability benefits as a result of this condition. A recent financial statement provided by the defendant reveals he is financially unable to meet the \$500 monthly installment plan.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall pay installments of \$50 per month during the remaining course of his supervision. The probation officer shall continue to monitor the defendant's ability to pay and shall notify the court of any needed modification of the payment schedule.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Jay Kellum  
Jay Kellum  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-346-5109  
Executed On: January 23, 2018

**ORDER OF THE COURT**

Considered and ordered this 25th day of January, 2018, and ordered filed and  
made a part of the records in the above case.

  
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Louise W. Flanagan  
U.S. District Judge